

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

RICKY WINGATE §
V. § CIVIL ACTION NO. 9:07CV264
DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL

Came on for consideration the above-referenced civil action, this Court having heretofore ordered that this matter be referred to the United States Magistrate Judge for proper consideration. Having received the report of the United States Magistrate Judge pursuant to its order, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore,

ORDERED that no relief be granted Petitioner in the above-styled case and the same shall be and is hereby **DISMISSED** without prejudice from the docket of this Court. It is further

ORDERED that a certificate of appealability is hereby **DENIED** *sua sponte* and all motions by either party not previously ruled on are hereby **DENIED**.

So **ORDERED** and **SIGNED** this 2 day of **January, 2008**.



Ron Clark, United States District Judge